

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 27-42 were rejected under 35 U.S.C. §102(e) for allegedly being anticipated by U.S. Patent No. 5,437,659 ("Leckrone"). Applicants respectfully traverse.

Leckrone fails to teach or suggest a cutting device that can be used to perform a sphincterotomy as set forth in independent claims 27 and 30. As shown in, e.g., Figures 12 and 14 of Leckrone, as well as at Col. 8, lines 9-16, blade 62 is provided for intersecting and releasing undesired material 63 from the inner surfaces of duct 64 (underline added). It is respectfully submitted that such a blade cannot be used to perform a sphincterotomy, nor does Leckrone provide any such teaching to enable one of skill in the art to be able to perform such a procedure.

With respect to claim 30, Leckrone appears to fail to teach a device for object removal.

With respect to claim 37-42, it is respectfully submitted that the Examiner has failed to cite any support in Leckrone that discloses any method of removing objects from the biliary tree, and certainly not the claimed method.

In view of the foregoing, allowance is respectfully requested.

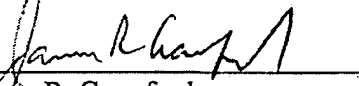
Application No.: 10/822,697

The Director is hereby authorized to charge any deficiency, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624 under Order No. BSX 201.7 CON.

Dated: June 3, 2009

Respectfully submitted,

By


James R. Crawford

Registration No.: 39,155

FULBRIGHT & JAWORSKI L.L.P.

666 Fifth Avenue

New York, NY 10103

(212) 318-3148

(212) 318-3400 (Fax)

Attorney for Applicant